

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA



CLERK'S OFFICE GENERAL INFORMATION & CIVIL FILING PROCEDURES

(February 21, 2006)

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- A. CM/ECF Information Sheet
- B. CM/ECF Login Registration Form
- C. Membership Renewal Certificate of Notice of Requirements
- D. Attorney Address Correction Request Form
- E. Initials of USDC Judges and Magistrate Judges
- F. Civil Cover Sheet
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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

PART I: GENERAL CLERK'S OFFICE INFORMATION

I. LOCATION, HOURS AND TELEPHONE NUMBERS

A. LOCATION

1. The Clerk's Office is located on the first floor of the E. Barrett Prettyman United States Courthouse at 333 Constitution Avenue, NW, Washington, DC 20001, near the Judiciary Square Metro Station (Red Line).

B. HOURS

1. Documents and/or disks may be filed in person in the Files and Copy Room (Room 1225) between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, except legal holidays.
2. A speedy filing box is available at the Third Street entrance of the courthouse 24 hours a day, seven days a week. An electronic clock is used to time and date stamp all papers submitted. All papers/CDs received before midnight will be filed as of that day provided that they are in compliance with the Court's Local Rules and the Federal Rules of Procedure.

C. TELEPHONE NUMBERS

1. The main telephone number of the Clerk's Office is (202) 354-3000. The automated phone system contains general information about the Clerk's Office, Court Operations, Attorney Admissions, Personnel, and Finance and Naturalization.
2. When possible, please use the direct phone number when calling an individual in the Clerk's Office; it is the most direct way of reaching someone. Unless otherwise authorized, attorneys and pro se filers should not contact the chambers of a Judge.
3. The phone number for the Case Management/Electronic Case Filing (CM/ECF) Helpline is (202) 354-3190 for civil and miscellaneous cases. Questions regarding criminal cases should be directed to (202) 354-3060.

II. GENERAL CIVIL FILING REQUIREMENTS

A. CASE MANAGEMENT/ELECTRONIC CASE FILING SYSTEM

1. Effective October 27, 2004, all Civil cases were converted to the Case Management/Electronic Case Filing (CM/ECF) system, making paper documents nearly obsolete. Except as otherwise provided in LCVR 5.4 and this supplement, *all* civil documents to be filed with the Court *must* be filed by electronic means in portable document format (PDF). In the event you have difficulty filing your document, you may deposit a disk or CD in our speedy filing box. (Attachment A)
2. Unless otherwise directed, Miscellaneous cases are to be filed in paper.
3. Additional information regarding CM/ECF is available on the Court's website at www.dcd.uscourts.gov/ecf-info.html.

B. OBTAINING AND USING ELECTRONIC FILING LOGIN AND PASSWORD

1. An attorney must obtain a CM/ECF login and password from the Clerk's Office in order to file documents with the Court or to receive copies of opinions and orders of the Court. [LCVR 5.4(b)]
2. Attorney/Participant Registration Forms are available on the Court's website at www.dcd.uscourts.gov/ecf-registration.pdf. (Attachment B)

C. WHO MAY APPEAR, FILE PAPERS AND PRACTICE

1. Attorneys who are members in good standing of the bar of this Court may appear, file documents and practice provided they comply with LCVR 83. [LCVR 83.2]
2. For other practices relating to who may appear and file, please refer to all subsections of LCVR 83.2.

D. RENEWAL OF MEMBERSHIP IN THE U.S. DISTRICT COURT BAR

1. Each member of the bar of this Court is required to renew his or her membership pursuant to LCVR 83.9(a), every third year on or about July 1 by completing the renewal form approved by this Court. (Attachment C)
2. The Clerk's Office will notify members of this certification requirement at least 60 days before the date for filing the certificate of renewal. [LCVR 83.9(a)]
3. The cost of renewal is \$25.00. Failure to renew will result in the provisional removal of the attorney from the list of members in good standing. The name of the attorney will be restored to the list of members in good standing upon the filing of the required certificate and payment of the delinquent fee within five years after the due date. After five years has passed without renewal, the attorney's name will be permanently removed from the roll, without prejudice to an application for admission as a new member. [LCVR 83.9(b) and (c)]

E. NAME AND ADDRESS OF PARTIES AND ATTORNEYS

1. The first filing by or on behalf of a party must have in the caption the name and full residence address of each party. (*Note: A P.O. Box number is not an appropriate address*).
2. All filings must contain the name, address, telephone number and DC bar identification number of the attorney.
3. Changes of address must be filed with the Clerk's Office within 10 days of the change. [LCvR 83.15(c)] (Attachment D)

F. DOCUMENTS EXEMPT FROM THE CM/ECF SYSTEM

1. There are some exceptions to the rule that all documents must be filed electronically using the CM/ECF system. They include exhibits or attachments that (A) exceed 500 pages; or (B) are not in a format that readily permits electronic filing, such as large maps, charts, video tapes, and similar materials; or (C) are illegible when scanned into electronic format; or (D) are filed under seal. Documents such as these must be served by mail or by hand delivery, unless counsel has otherwise agreed, and must be identified in an electronically filed Notice of Filing. [LCvR 5.4(e)]
2. In addition, there are a number of specific documents that attorneys are unable to file using the CM/ECF system. These documents can only be filed by a member of the Clerk's Office staff. The following civil documents cannot be filed by attorneys:
 - a. Complaints
 - b. Amended Complaints
 - c. Crossclaims (unless filed as part of an Answer)
 - d. Counterclaims (unless filed as part of an Answer)
 - e. Third-Party Complaints (unless filed as part of an Answer)
 - f. Intervenor Complaints (unless filed as part of a Motion)
 - g. Notices of Appeal or Interlocutory Appeal (Please see Section V.D for further instructions)
 - h. Motions to Intervene
 - i. Motions for Leave to File an Amicus Curiae Brief
3. Any documents that fall under the exceptions above should be filed with the Clerk's Office in one of three ways:
 - a. by email in PDF to:
 - (1) Civil: dcd_cmecf@dcd.uscourts.gov
 - (2) Miscellaneous: dcd_cmecf_ms@dcd.uscourts.gov (Only if case is being filed electronically); or
 - b. on a floppy or compact disk in portable document format (PDF); or
 - c. in paper, if the item is not formatted for scanning.

G. FORM OF DOCUMENTS

1. Any filings made in paper must be two-hole punched at the top and properly bound with a staple or two-prong fastener. Paper filings should be unfolded and without a back or front cover. All documents, regardless of volume, should be one-sided, double-spaced, and formatted on white paper, 8 ½ x 11 inches in size. Any disk that is submitted should be properly labeled with the case number and contents, and should be accompanied by a Notice of Filing describing what is contained on the disk.
2. All subsequent filings must contain the case number, name or initials of the judge assigned to the case, and the name or initials of the magistrate judge to whom the case has been referred. (Attachment E)
3. All exhibits and attachments must also be marked with the case number and judge's initials . [LCVR 5.1(f)]

H. FILING DOCUMENTS UNDER SEAL

1. Documents that are to be filed under seal pursuant to a protective order must be filed **in paper and on a disk** in the Clerk's Office during regular business hours only (Monday-Friday, 9:00 a.m.-4:00 p.m.). **Sealed documents must not be filed in the speedy drop box at the entrance of the courthouse, nor filed electronically.** [LCVR 5.1(j)]
2. If it becomes necessary to file documents under seal, please place them in an **unsealed** envelope clearly marked with the warning **UNDER SEAL**. The warning should also be placed on the first page of the pleading in the area of the civil action number. **Compliance with this provision is required.** Members of the press have access to all public records. Failure to advise the Clerk's Office regarding the sensitivity of a pleading, will result in it being placed on the public docket.

III. FILING CIVIL ACTIONS

A. CIVIL COVER SHEET

1. The entire Civil Cover Sheet (Attachment F) must be completed for every new civil action tendered for filing.
2. The Civil Cover Sheet requires the signature of an attorney who is an active member of the bar of this Court. Please be sure the form is completed fully and correctly.

B. SUMMONS

1. A summons for each defendant named in the caption of the complaint may be issued at the time of filing. In cases with multiple defendants, the caption on each summons must be the same (i.e., JONES, et al v. SMITH, et al). There is an area on the summons which will request information regarding each individual defendant. [Summons are available on the Court's website at www.dcd.uscourts.gov/new-case-forms.html](http://www.dcd.uscourts.gov/new-case-forms.html). (Attachment G)
2. A summons must be served within 120 days or the case may be dismissed as to that particular defendant. [FRCP 4(m)]
3. The Clerk will issue as many summons as requested. However, summons will not be signed and sealed for an attorney's personal file.
4. When suing a United States Government agent or agency, the United States Attorney General and the United States Attorney for D.C. must be served with a copy of the summons and complaint. [FRCP 4(i)]
5. Service of the summons may be waived. This provision allows the plaintiff to notify the defendant of the commencement of the action and a request the defendant to waive service of a summons. [FRCP 4(d)]

C. CERTIFICATE RULE 7.1

1. The Certificate Rule 7.1, or Certificate of Disclosure of Corporate Affiliations and Financial Interests, is required in each action wherein a party is a corporation. The certificate is used to determine the need for recusal.
2. The certificate must be tendered with the party's initial filing. [LCVR 7.1]

D. TEMPORARY RESTRAINING ORDERS AND PRELIMINARY INJUNCTIONS

1. Each application for a temporary restraining order or preliminary injunction must be accompanied by points and authorities and a proposed order. In addition, these motions must be made in a document separate from the complaint.
2. Notice must be given to the opposing party(s) prior to making application for a temporary restraining order. [LCVR 65.1(a)]
3. Temporary restraining orders are assigned in the same fashion as any civil action. If the assigned judge is unavailable, and there is an urgent need for a hearing, the Motions Judge for the month will be contacted.

E. FILING FEES

1. The filing fee for all new civil actions is \$250.00, and for all new miscellaneous cases is \$39.00.
2. The filing fee may be paid in cash, or by check or money order. Checks and money orders must be made payable to the *Clerk, U.S. District Court*.
3. There is no filing fee for motions.
4. Additional fees are mentioned throughout this supplement.

IV. ASSIGNMENT OF CASES

A. HOW CASES ARE ASSIGNED

1. Each new civil action is assigned using our automated case assignment system. For the new case clerk to complete the assignment, you must be sure to select the appropriate case category on the Civil Cover Sheet. [LCVR 40.2(b)]
2. Each Miscellaneous case shall be assigned randomly to judges of this Court. [LCVR 40.3(a)]
3. If the action you are filing is related to a pending case or a previously dismissed case, you must complete the Related Case Form. The form asks you to describe the relationship between the new action and the pending or dismissed action. Those actions that are related will be assigned to the judge assigned to the earlier case. [LCVR 40.5] (Attachment H)
4. Should the parties consent, actions may be referred for all purposes to a magistrate judge. The consent form must be signed by all parties and submitted to the Clerk's Office. [LCVR 73.1] (Attachment I)

V. FILING SUBSEQUENT CIVIL PLEADINGS

A. PROBLEMS WITH THE CM/ECF SYSTEM

1. Any documents that cannot be filed by an attorney via the CM/ECF system due to technical difficulties should be filed with the Clerk's Office either on disk or by email in PDF format as described in Section II.F.

B. CERTIFICATES OF SERVICE

1. Electronic filing of any document operates to effect service of the document on counsel or pro se parties who have obtained CM/ECF logins and passwords. Counsel or parties who have not yet obtained CM/ECF logins and passwords must serve and be served as otherwise provided in FRCP 5(b).
2. The requirement of a certificate or other proof of service is satisfied by the automatic notice of filing sent by the CM/ECF software to counsel or pro se parties who have obtained CM/ECF logins and passwords. A separate certificate or other proof of service showing that a paper copy was served on a party or counsel is required when that party or counsel does not receive electronic notification of filings. [LCvR 5.4(d)]

C. ORDERS STRIKING PLEADINGS

1. The Clerk's Office does not return pleadings that are not in compliance with the Federal Rules of Civil Procedure or the Local Rules of this Court.
2. Generally, defective pleadings may be stricken from the record, or a judge might deny a request for leave to file a document. In both cases, a notation will be made on the docket to alert counsel and parties of the outcome.

D. ORDERS FOR FILING DISCOVERY MATERIAL

1. The Clerk's Office will not take discovery materials for filing unless the judge specifically enters an order directing the Clerk to file discovery materials. [LCvR 5.2(a)]
2. For cases filed prior to May 18, 1994, with case numbers earlier than 94cv1094, the old discovery rule applies.

E. NOTICES OF APPEAL AND INTERLOCUTORY APPEAL

1. A Notice of Appeal or Interlocutory Appeal cannot be filed by an attorney using the CM/ECF system. All appeals should be filed with the Clerk's Office on disk in PDF format and should be accompanied by a paper copy of the appeal.
2. The fee for filing such notices is \$255.00.
3. For more information, see Rule 3 of Title II of the Circuit Rules for the U.S. Court of Appeals for the D.C. Circuit.

VI. ISSUANCE OF SUBPOENAS

A. WHO MAY ISSUE SUBPOENAS

1. Pursuant to the provision of FRCP 45(a)(3), attorneys, as officers of the Court, may issue and serve their own subpoenas. While the Clerk still has the power to issue subpoenas, most subpoenas are issued by counsel.

B. SUBPOENAS FROM ANOTHER DISTRICT

1. Issuance of subpoenas from another district court for the purpose of taking depositions, commonly referred to as foreign subpoenas, are issued in the same manner as noted above.

C. SEAL REQUIREMENT

1. The requirement that each subpoena carry the seal of the Court has been abolished.

VII. REGISTRATION OF FOREIGN JUDGMENTS

A. PAPERS REQUIRED FOR CERTIFICATION OF JUDGMENT FORM (AO 451) TO REGISTER IN THIS COURT

1. A Certification of Judgment form (AO 451), completed by the Clerk's Office where the judgment was entered, certifying that the judgment is ripe for registration in a foreign court, namely, this Court. (Attachment J)
2. A certified copy of the judgment must be attached to the Certification of Judgment form.
3. There is a fee of \$39.00 for each foreign judgment registered in this Court from another district court. These cases are filed in this Court as a new Miscellaneous case.

B. PREPARING A CERTIFICATION OF JUDGMENT FORM (AO 451) TO REGISTER AT ANOTHER COURT

1. Obtain a certified copy of the judgment from the Office of Files and Copies in Room 1225. Copies may be obtained between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday.
2. Leave the judgment with a deputy clerk to prepare the Certification of Judgment form.
3. The fees are:
 - a. Copying: \$.50 per page for paper documents, \$.10 per page for electronic documents
 - b. Certification of document: \$9.00
 - c. Certification of Judgment Form: \$9.00

VIII. REVIEWING RECORDS AND OBTAINING COPIES

A. REVIEWING RECORDS

1. Official Court records for cases that were filed in paper, may be viewed in the Files and Copy Room in Room 1225 between 9:00 a.m. and 4:00 p.m., Monday through Friday, except legal holidays. Any electronic cases can be viewed 24 hours a day through the CM/ECF system while using a PACER (Public Access to Court Electronic Records) login and password.
2. For access to PACER, please call the National PACER Billing Center at 1-800-676-6856, or visit the website at <http://pacer.uscourts.gov>. (Attachment K)
3. The paper files in the Clerk's Office may not be removed from this area. Anyone wishing to view a file will be required to complete a charge-out card which provides accountability for the charged-out file.
4. There is a fee of \$45.00 for records that must be retrieved from the Federal Record Center.

B. OBTAINING COPIES OF PLEADINGS

1. Any pleadings found in the public file may be copied. Someone on the Files and Copy Room staff will do the copying when the request is for less than 20 pages in length. The fee is \$.50 per page for paper documents, \$.10 per page for electronic documents.
2. If a copying request exceeds the 20-page limit, an order must be placed with the Files and Copy Room staff. These orders are filled by a commercial vendor at a fee of \$.20 per page.
3. Certification of copies will be provided by Clerk's Office staff. The certification fee is \$9.00 per document certified.

IX. OBTAINING INFORMATION FROM THE CLERK'S OFFICE

A. BY TELEPHONE

1. Because of the tremendous number of requests for case information, coupled with reduced staffing, we no longer provide specific case information to callers from Washington, D.C., or the immediate surrounding areas. We invite callers to come to the Clerk's Office to conduct a search and encourage them to use PACER as described in Section VIII.A.
2. Requests for case information from out-of-town callers are limited to the three most recent entries.

B. BY LETTER

1. Correspondence to the Clerk's Office is answered within 10 business days.
2. There is a \$26.00 fee for each name search requested.

C. IN PERSON

1. The Clerk's Office is open to the public from 9:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays. All public paper records are available for inspection during those hours.
2. Case information and docket sheets, whether filed in paper or electronically, can be accessed and printed via the public terminals located in Room 1225. The copy fee is \$.50 per page for paper documents, and \$.10 per page for electronic documents. In addition, old party or case information can be found on microfiche. There is a microfiche printer for those items to be copied. The copy fee for microfiche documents is \$.50 per page. Archived or closed cases can be accessed via public terminals.
3. If anyone is interested in copying a docket sheet from the public terminal and that case has more than 50 pleadings listed on its docket, please advise the Files and Copy Room staff *before* printing. Docket sheets of 50 or more pleadings must be printed overnight because it significantly slows down the system for other users.

PART II: GENERAL COURT INFORMATION

I. GENERAL PROCEDURES AND PRACTICES

A. SCHEDULING AND CONTINUANCES OF IN-COURT MATTERS

- 1.. When possible, become familiar with an individual judge's procedures for requesting a continuance of a scheduled matter. If the procedures of a particular judge cannot be determined, please call the courtroom deputy assigned to that judge. The courtroom deputy will be knowledgeable of the judge's practices.
2. If in doubt regarding how to move for a continuance, file a motion. Depending on a judge's practice, some courtroom deputies can continue scheduled matters without a motion and some cannot. Keep in mind that judges may handle various procedures differently.
3. Whenever a matter is scheduled by the Court, please make every attempt to adhere to the set schedule.

B. CONTACTING COURTROOM DEPUTIES

1. Each judge has assigned to him or her a courtroom deputy to handle a myriad of duties, one of which is case management.
2. Because courtroom deputies are in court regularly, it may be difficult to reach them by phone. Please leave a clear and concise voice mail message and the courtroom deputy will return the call. There are many things that courtroom deputies cannot do at the last moment, so plan ahead and contact them early if there is a problem.

C. INDIVIDUAL CALENDAR SYSTEM

1. When a case is filed, it is randomly assigned to a judge. Once the assignment has been made, the case remains with the assigned judge until there has been a resolution to the matter. In the event the assigned judge is unavailable to hear the case, or even a particular portion thereof, a request may be made for the case to be heard by the Motions Judge.
2. There are no set days scheduled for motions hearings. All hearings, conferences, and trials are scheduled by the judge to whom the case is assigned. Matters referred to a magistrate judge are scheduled by the magistrate judge.
3. An application with the Court for a continuance of a hearing, conference, or trial should not be made until notice has been given to all parties.

D. EXHIBITS

1. Exhibits offered at trial must display in a prominent place the case number and judge's initials. Exhibit stickers may be obtained from any courtroom deputy.
2. Exhibit lists should be prepared prior to coming to Court.

E. CONDUCT AND PRACTICES IN THE COURTROOM

1. When arriving at Court, please be sure to check in with both the courtroom deputy and the court reporter. The courtroom deputy needs the information for the judge and the court reporter needs the information to ensure that the transcript is accurate.
2. Identify yourself at the podium. Most judges and court reporters prefer that you speak at the podium and into the microphone.
3. Be on time. If an attorney is going to be unexpectedly late for, or absent from, any scheduled appearance before any judge, the judge's courtroom deputy must be contacted. Please provide the nature and duration of the conflicting engagement. The Court may take appropriate disciplinary action when an attorney fails to conduct himself or herself in accordance with the requirements and obligations of this Court's Local Rules. [LCVR 85.15]
4. Attorneys are expected to have a calendar with them at all times when in Court.